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EXAMINER

PATEL, VISHAL A

ART UNIT

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

1. Newly submitted claim 6 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 6 is directed to a process, which was not the originally filed invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 6 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 1-9, unclear how a sealing device has a roll neck or a neck bush or a chock. For examination purpose applicant is claiming a device having a sealing ring, a roll neck or neck bush, a chock and a holder.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Robotham (US. 6,375,195).

Robotham clearly discloses all the limitations of claims 1 and 4-5. For example a device having a sealing ring (e.g. 6), roll neck or roll bush (e.g. 4), a holder (e.g. 14) having elastic sealing elements (e.g. 13a-13b), the sealing elements are supported by the body 13 or springs in the sealing elements and a chock (e.g. 9). The sealing ring (e.g. 6) having a sealing surface that is coated with metal (e.g. column 2, lines 65-68).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robotham in view of Draskovich et al (e.g. 5,544,897).

Robotham disclose the invention substantially as claimed above but fail to disclose that the sealing surface is nitrided (particular process of nitriding is considered to be method limitation

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and given little patentable weight in an apparatus claim particular a nitrided coating is taught).

Draskovich discloses a device having a sealing element (e.g. 22) contacting a sealing ring (e.g. 32) that has a coating of nitrided (e.g. 42). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the metal coating (e.g. chrome coating)

Robotham to be replaced by a nitrided coating as taught by Draskovich, since having one metal coating replaced by another is considered to be art equivalent (column 3, lines 4-5 of

Draskovich).

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robotham in view of Yoshida (US. 7,063,193).

Robotham discloses the invention substantially as claimed above but fails to disclose that the coating is an oxidized coating. Yoshida discloses a sealing element (e.g. 127e) that contact a sealing surface that is coated with an oxidized coating (figure 7, sealing surface 200 having an oxidized coating, column 15, lines 29-47). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the coating or Robotham to be replaced by an oxidized coating as taught by Yoshida, to provide a sealing surface that has anti-wearing property, corrosion resistance property and heat-resistance property (column 15, lines 40-41 of Yoshida).

Response to Arguments

9. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on 571-272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/V. P./

Primary Examiner, Art Unit 3676

/Vishal Patel/

Primary Examiner, Art Unit 3676